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Via Hand Delivery

April 30, 2018

Honorable Judge Kenneth M. Karas
United States District Judge
United States District Court
Southern District of New York
United States Courthouse
300 Quarropas Street, Chambers 533
White Plains, NY 10601-4150



Re: 7-18-CV-00282-KMK Civil Rights Case Fishman vs. "State" Office
Of Court Administration New York Courts
Third, Fourth, and Fifth attempts to file ADA Grievances in State Family
Court denials appeal Docket: 2018-3361, 2018-03903, 2018-03904

Dear Honorable Judge Karas:

Enclosed please find three recent "State" appellate court decisions decided last week denying me "State" entity permission to file ADA grievances for denied reasonable accommodations in "State" public entity family court.

As the Federal Court is aware I have numerous qualified ADA disabilities including Traumatic Brain Injury, Occipital Neuralgia, TMJ, Peripheral Neuropathy, Severe Obstructive Sleep apnea, Cubital Tunnel Syndrome and Post Concussion Syndrome. These "qualified disabilities" effect the major bodily functions of but not limited to sleeping, remembering, eating, breathing, use of arm, organizing and writing.

These three "State" entity lower court decisions violate federal law 28 CFR 35.107. Under 28 CFR 35.107, the "State" Public entity must have a timely ADA grievance procedure. The only grievance procedure when a New York "State" Family Judge denies reasonable accommodations is a judicial appeal. As this is the Fifth time I have been denied permission to file an ada grievance, Federal action is needed to protect and enforce ADA and Federal law. New York Family Court laws that limit ADA grievance appeals to final orders violate Federal law.

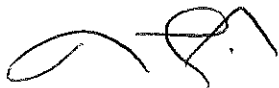
No where in the Ada does it state an ada grievance needs permission to appeal or needs a case to be over to obtain an ada grievance hearing. Even if permission were granted (which was not in my five attempts,) New York appellate courts do not decide ada grievances timely.

I therefore kindly request that you sign the injunction relief and Declaratory judgment motion/application submitted to your Federal court last week as the "State" public entity cannot, after 5 attempts have "prompt and fair" ada appeals/grievances for "State" Family court matters.

By denying timely ADA grievances, New York "State" is disallowing required needed reasonable accommodations to participants in "State" Family court. These denials for me as well as hundreds of other disabled New Yorkers violate the ADA, Section 504 of the Rehabilitation Act of 1973 and ADAAA.

Thank you for your assistance.

Very Truly Yours,



Marc Fishman
Qualified Ada Disabled Litigant, Pro se

C: USDOJ, Disability Rights Section
Kathy Davidson, Chief Administrative Court Supervising Judge 9th district.
Ian Spier, Esq.
Donna Drumm, Ada Advocate
V. Casale, Esq.
Eve Bunting smith, Esq.
NYS Human Rights Commission
Nancy Barry, OCA
Omar Cumberbach, OCA
V. Clingan, Brain Injury Assoc of NY
S. Liss, DRNY
James Garfein, OCA
Judge Egetto, Chief Administrative Judge Family Court
Dan Weisz, OCA
Lisa Evans, OCA, opposing Counsel
April Anne Agostino, Chief Clerk Appellate Division 2nd Dept.

Enclosures

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M249406
E/afa

ALAN D. SCHEINKMAN, P.J.
CHERYL E. CHAMBERS
COLLEEN D. DUFFY
HECTOR D. LASALLE, JJ.

2018-03361

DECISION & ORDER ON MOTION

In the Matter of Jennifer S. Solomon, respondent,
v Marc H. Fishman, appellant.

(Index No. O-7850-18)

Motion by the appellant, inter alia, to stay enforcement of an order of the Family Court, Westchester County, dated March 2, 2018, pending hearing and determination of an appeal therefrom.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that on the Court's own motion, the appeal is dismissed, without costs or disbursements, as no appeal lies as of right from a nondispositional order in a proceeding pursuant to Family Court Act article 8 (*see* Family Ct Act § 1112), and leave to appeal has not been granted; and it is further,

ORDERED that the motion is denied as academic.

SCHEINKMAN, P.J., CHAMBERS, DUFFY and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 26, 2018

MATTER OF SOLOMON v FISHMAN

**Supreme Court of the State of New York
Appellate Division: Second Judicial Department**

M249407
E/afa

ALAN D. SCHEINKMAN, P.J.
CHERYL E. CHAMBERS
COLLEEN D. DUFFY
HECTOR D. LASALLE, JJ.

2018-03903, 2018-03904

DECISION & ORDER ON MOTION

In the Matter of Jennifer S. Solomon, respondent,
v Marc H. Fishman, appellant.

(Index Nos. V-8186-14/15B, V-8187-14/15B,
V-8188-14/15B, V-8189-14/15B)

Motion by the appellant, inter alia, to stay enforcement of two orders of the Family Court, Westchester County, both dated March 30, 2018, pending hearing and determination of appeals therefrom.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that on the Court's own motion, the appeals are dismissed, without costs or disbursements, as no appeals lie as of right from nondispositional orders in proceedings pursuant to Family Court Act article 6, part 3 (*see* Family Ct Act § 1112), and leave to appeal has not been granted; and it is further,

ORDERED that the motion is denied as academic.

SCHEINKMAN, P.J., CHAMBERS, DUFFY and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 26, 2018

MATTER OF SOLOMON v FISHMAN